

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BRIAN FIELMAN, on behalf of himself and all  
others similarly situated,  
Plaintiff,

: **07 CIV 6815 (CLB)**  
:

v.

: **NOTICE OF THE MOTION TO**  
: **CONSOLIDATE AND**  
: **TRANSFER FILED BEFORE THE**  
: **JUDICIAL PANEL ON**  
: **MULTIDISTRICT LITIGATION**  
:  
: **ECF FILING**

PEPSICO, INC., THE PEPSI BOTTLING GROUP,  
INC., and PEPSI BOTTLING VENTURES LLC,  
Defendant.

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On behalf of Defendant PepsiCo, Inc. and The Pepsi Bottling Group, Inc., pursuant to Rule 5.12(b) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, we respectfully give notice of the filing before the Judicial Panel on Multidistrict Litigation of PepsiCo's and The Pepsi Bottling Group's Motion to Consolidate and Transfer the above-captioned action and other related actions pending in this and other districts. Annexed as Exhibit A is a copy of PepsiCo's September 27, 2007 Motion to Consolidate and Transfer. Annexed as Exhibit B is the Memorandum of Points and Authorities In Support of Motion to Consolidate and Transfer. Annexed as Exhibit C is the Declaration of Louis M. Solomon, along with accompanying exhibits, annexed as Exhibit C.1 and C.2. Attached as Exhibit D is the statement of the Reasons Why Oral Argument Should Be Heard before the Judicial Panel on Multidistrict Litigation.

Dated: September 27, 2007  
New York, New York

By: /s/ Louis M. Solomon  
Louis M. Solomon (LS 7906)  
Michael S. Lazaroff (ML 0149)  
Jennifer L. Jones (JJ 5987)  
Patrick J. Dempsey (PD 8372)  
PROSKAUER ROSE LLP  
1585 Broadway  
New York, NY 10036  
(212) 969-3000  
*Attorneys for Defendants PepsiCo, Inc. and  
The Pepsi Bottling Group, Inc.*